

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter of	)	
	)	
Section 68.4(a) of the Commission's Rules	)	WT Docket No. 01-
	309	
Governing Hearing Aid-Compatible Telephones	)	RM-8658

**Hearing Aid Compatibility Report**

Thumb Cellular LLC ("Reporter"), a digital wireless service provider, pursuant to the Federal Communications Commission's ("Commission" or "FCC") *Order* in WT Docket No. 07-309, FCC 03-168, 29 CR 1299 (August 14, 2003), hereby files a report concerning the availability of digital phones for the hearing impaired and seeks a waiver of 47 C.F.R. § 20.19(d)(2).<sup>1</sup> This report does not address the reporting requirements of the *Order* which are properly addressed by handset manufacturers who are in the best position to report about their own activities.

**I. Carrier Information**

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<sup>1</sup> On July 7, 2004 the FCC published notice that it had obtained OMB approval to collect hearing aid compatibility reports from wireless carriers. 69 Fed. Reg. 40928 (Wednesday, July 7, 2004). Pursuant to the *Report and Order, Amendment of Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones*, 68 Fed. Reg. 54173 (September 16, 2003), reports are due every six months after rule effectiveness for the first three years and then annually for the next two years. The first reports were filed in November 2004. Reporter is maintaining the established reporting schedule which appears valid to November 2006.

Reporter is a small Commercial Mobile Radio Services carrier that provides service in Michigan. Reporter has received several requests for a HAC-compliant handset.

## **II. Handset Discussion**

Reporter has researched information for various manufacturers including Motorola, Nokia, LG, and Kyocera regarding HAC-compliant handsets. Since the last report was submitted, Reporter, in compliance with 47 C.F.R. § 20.19(c)(2)(i)(A), distributes at least 5 HAC-compliant models of handsets for use by persons with a hearing disability; the HAC-compliant handsets are available for consumer testing prior to purchase. Reporter distributes Motorola and Nokia manufactured handsets. Nokia models 6015 and 6255 and Motorola models V262, V265, and V710 are HAC-compliant.

As of September 18, 2006, 47 C.F.R. § 20.19(d)(2) requires that carriers offer at least two handsets which comply with the U3T level of performance (inductive coupling). Reporter is unable to obtain U3T compliant phones from its handset distributors and it is Reporter's further understanding that these manufacturers do not yet have Commission approval to manufacture and distribute UT3 compliant handsets. Because Reporter does not control the manufacture of compliant handsets it is respectfully submitted that the unavailability of compliant phones is a circumstance beyond Reporter's control and enforcement of the applicable rule would not further the Commission's goal of increasing the availability of compliant handsets. Accordingly, waiver of the requirement would be appropriate.

## **III. Hearing Aid Compatible Handset Labeling/Insert Requirement**

The HAC-compliant phones which are distributed by Reporter contain an information sheet or instruction manual which describes the HAC capabilities of the handsets. The boxes containing the HAC-compliant handsets either have preprinted HAC rating information (M3 or M4 marking) or have HAC rating labels which Reporter applies prior to retail distribution.

#### **IV. Outreach Efforts & Interoperability**

Reporter has tested the HAC-compliant handsets which are distributed by it and they work well throughout Reporter's service area. Reporter makes reasonably available to disabled subscribers and disabled potential subscribers of HAC-compliant, via the retail handset distribution facility, current technical and anecdotal information regarding the hearing aid compatibility of specific wireless handsets including both HAC-compliant and non-HAC-compliant handsets.

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Respectfully Submitted,  
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